

**Amendment and Response**

Applicant: Mark Haines et al.

Serial No.: 10/635,409

Filed: August 6, 2003

Docket No.: 200210234-1

Title: FILTER FOR PRINthead ASSEMBLY

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**REMARKS**

The following Remarks are made in response to the Non-Final Office Action mailed February 28, 2005, in which claims 1-4, 7, 9-16, 19, 21-28, 31-36, 39, and 40 were rejected, and claims 5, 6, 8, 17, 18, 20, 29, 30, 37, and 38 were objected to. With this Amendment, claims 4, 16, 28, and 36 have been cancelled without prejudice, and claims 1, 5, 6, 13, 17, 18, 25, 29, 30, 33, 37, and 38 have been amended, including allowable claims 5, 6, 17, 18, 29, 30, 37, and 38 which have been rewritten in independent form. Claims 1-3, 5-15, 17-27, 29-35, and 37-40, therefore, remain pending in the application and are presented for reconsideration and allowance.

**Claim Rejections under 35 U.S.C. § 102**

Claims 1-4, 7, 9-16, 19, 21-28, 31-36, 39, and 40 are rejected under 35 U.S.C. 102(b) as being anticipated by Hoisington et al. U.S. Patent No. 4,788,556.

With this Amendment, claims 4, 16, 28, and 36 have been cancelled without prejudice. The rejection of claims 4, 16, 28, and 36 under 35 U.S.C. 102(b), therefore, is rendered moot.

With this Amendment, independent claims 1, 25, and 33 have each been amended to clarify that the filter includes a permeable material provided in a fluid path of the first fluid port. In addition, independent claim 13 has been amended to clarify that the method of forming the filter includes providing a permeable material in a fluid path of the first fluid port.

With respect to the Hoisington et al. patent, this patent does not teach or suggest a filter for a printhead assembly as claimed in independent claim 1, a method of forming a filter for a printhead assembly as claimed in independent claim 13, a printhead assembly as claimed in independent claim 25, nor a method of supplying liquid ink to a printhead assembly as claimed in independent claim 33. For example, neither membrane 30 nor membrane 31 of the Hoisington et al. patent is provided in a fluid path of check valve 26, passage 27, passage 28, nor passage 29 of the deaerator 20. Rather, membranes 30 and 31 of the Hoisington et al. patent bound passage 27 (col. 3, lines 15-19).

In view of the above, Applicant submits that independent claims 1, 13, 25, and 33 are each patentably distinct from the Hoisington et al. patent and, therefore, are each in a

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condition for allowance. Furthermore, as dependent claims 2-3 and 7-12 further define patentably distinct claim 1, dependent claims 14-15 and 19-24 further define patentably distinct claim 13, dependent claims 26-27 and 31-32 further define patentably distinct claim 25, and dependent claims 34-35 and 39-40 further define patentably distinct claim 33, Applicant submits that these dependent claims are also in a condition for allowance. Applicant, therefore, respectfully requests that the rejection of claims 1-4, 7, 9-16, 19, 21-28, 31-36, 39, and 40 under 35 U.S.C. 102(b) be reconsidered and withdrawn and that claims 1-3, 7, 9-15, 19, 21-27, 31-35, 39, and 40 be allowed.

**Allowable Subject Matter**

Claims 5, 6, 8, 17, 18, 20, 29, 30, 37, and 38 are objected to as being dependent upon a rejected base claim and are indicated as being allowable if rewritten in independent form to include all of the limitations of the base claim and any intervening claims.

Applicant agrees with the Examiner's conclusions regarding patentability without necessarily agreeing with or acquiescing in the Examiner's reasoning. In particular, Applicant submits that the above-identified claims are allowable because the prior art fails to teach, anticipate or render obvious the invention as claimed, independent of how the invention is paraphrased.

With this Amendment, Applicant has rewritten allowable claim 5 in independent form to include all of the limitations of the base claim (claim 1) and any intervening claims (claim 4). Applicant, therefore, respectfully requests that the objection to claim 5 be withdrawn and that claim 5 be allowed.

With this Amendment, Applicant has rewritten allowable claim 6 in independent form to include all of the limitations of the base claim (claim 1) and any intervening claims (none). Applicant, therefore, respectfully requests that the objection to claim 6 be withdrawn and that claim 6 be allowed.

With this Amendment, Applicant has rewritten allowable claim 17 in independent form to include all of the limitations of the base claim (claim 13) and any intervening claims (claim 16). Applicant, therefore, respectfully requests that the objection to claim 17 be withdrawn and that claim 17 be allowed.

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With this Amendment, Applicant has rewritten allowable claim 18 in independent form to include all of the limitations of the base claim (claim 13) and any intervening claims (none). Applicant, therefore, respectfully requests that the objection to claim 18 be withdrawn and that claim 18 be allowed.

With this Amendment, Applicant has rewritten allowable claim 29 in independent form to include all of the limitations of the base claim (claim 25) and any intervening claims (claim 28). Applicant, therefore, respectfully requests that the objection to claim 29 be withdrawn and that claim 29 be allowed.

With this Amendment, Applicant has rewritten allowable claim 30 in independent form to include all of the limitations of the base claim (claim 25) and any intervening claims (none). Applicant, therefore, respectfully requests that the objection to claim 30 be withdrawn and that claim 30 be allowed.

With this Amendment, Applicant has rewritten allowable claim 37 in independent form to include all of the limitations of the base claim (claim 33) and any intervening claims (claim 36). Applicant, therefore, respectfully requests that the objection to claim 37 be withdrawn and that claim 37 be allowed.

With this Amendment, Applicant has rewritten allowable claim 38 in independent form to include all of the limitations of the base claim (claim 33) and any intervening claims (none). Applicant, therefore, respectfully requests that the objection to claim 38 be withdrawn and that claim 38 be allowed.

Applicant appreciates the indicated allowability of claims 8 and 20. As outlined above, Applicant, however, has amended independent claim 1 (from which claim 8 depends) to clarify that the filter includes a permeable material provided in a fluid path of the first fluid port, and amended independent claim 13 (from which claim 20 depends) to clarify that the method of forming the filter includes providing a permeable material in a fluid path of the first fluid port. As amended independent claims 1 and 13 are believed to be in allowable form, Applicant respectfully submits that claims 8 and 20 are allowable in dependent form. Applicant, therefore, respectfully requests that the objection to claims 8 and 20 be withdrawn and that claims 8 and 20 be allowed.

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Title: FILTER FOR PRINthead ASSEMBLY**CONCLUSION**

In view of the above, Applicant respectfully submits that pending claims 1-3, 5-15, 17-27, 29-35, and 37-40 are all in a condition for allowance and requests reconsideration of the application and allowance of all pending claims.

Any inquiry regarding this Amendment and Response should be directed to either Thomas A. Jolly at Telephone No. (541) 715-7331, Facsimile No. (541) 715-8581 or Scott A. Lund at Telephone No. (612) 573-2006, Facsimile No. (612) 573-2005. In addition, all correspondence should continue to be directed to the following address:

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Respectfully submitted,

Mark Haines et al.,

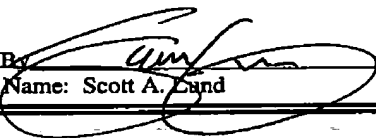
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**CERTIFICATE UNDER 37 C.F.R. 1.8:** The undersigned hereby certifies that this paper or papers, as described herein, are being facsimile transmitted to the United States Patent and Trademark Office, Fax No. (703) 872-9306 on this 27<sup>TH</sup> day of May, 2005.

  
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